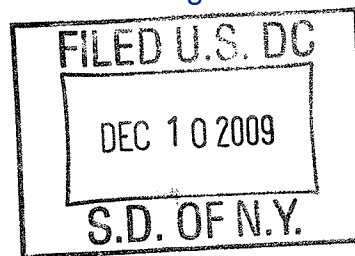


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



_____x
In re

ENRON CREDITORS RECOVERY CORP., et al.,

Reorganized Debtors.
_____x

Chapter 11
Case No. 01-16034 (AJG)
(Jointly Administered)

ING VP Balanced Portfolio, Inc., and
ING VP Bond Portfolio, Inc.,

Appellant Defendants,

-against-

ENRON CREDITORS RECOVERY CORP.,

Appellee Plaintiff.
_____x

Case No.
09-CV-9030 (CM) (ECF)

NOTICE OF APPEAL OF APPELLEE ENRON CREDITORS RECOVERY CORP.

Appellee-Plaintiff Enron Creditors Recovery Corp., by its undersigned counsel, hereby notes its appeal to the United States Court of Appeals for the Second Circuit from the decision and order of the Court entered on November 20, 2009 (Dkt. #13) in the above-captioned appeal from an interlocutory ruling by the United States Bankruptcy Court for the Southern District of New York in Adversary Proceeding No. 03-92682 (AJG), Bankruptcy Case No. 01-16034 (AJG).

Special Litigation Counsel for the
Reorganized Debtors
VENABLE LLP by:

A handwritten signature in cursive script, appearing to read "Michael Schatzow", written over a horizontal line.

Richard L. Wasserman (RLW 8696)
Michael Schatzow (MS-3109)
750 E. Pratt Street, Suite 900
Baltimore, Maryland 21202
(410) 244-7400
(410) 244-7742 (fax)

Bankruptcy Co-Counsel for the
Reorganized Debtor
TOGUT, SEGAL & SEGAL LLP by:

Frank A. Oswald /MS

Frank A. Oswald
Howard P. Magaliff
One Penn Plaza, Suite 3335
New York, New York 10119
(212) 594-5000

Copies to:

Sabin Willett, Esq.
Bingham McCutchen LLP
One Federal Street
Boston, Massachusetts 02110

Michael L. Cook, Esq.
Schulte Roth & Zabel LLP
919 Third Avenue
New York, New York 10022

Katharine B. Gresham, Esq.
Assistant General Counsel
Securities & Exchange Commission
100 F. Street N.E., Stop 8030B
Washington, DC 20549

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of December 2009, a copy of the foregoing Notice of Appeal of Appellee Enron Creditors Recovery Corp. was forwarded via electronic and regular mail to:

Sabin Willett, Esq.
Bingham McCutchen LLP
One Federal Street
Boston, Massachusetts 02110
sabin.willett@bingham.com

Mark M. Elliott, Esq.
Bingham McCutchen LLP
399 Park Avenue
New York, New York 10022
mark.elliott@bingham.com

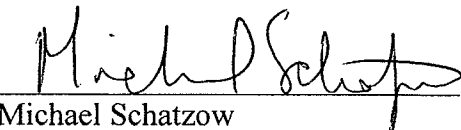
*Attorneys for ING VP Balanced Portfolio and
ING VP Bond Portfolio*

Michael L. Cook, Esq.
Schulte Roth & Zabel LLP
919 Third Avenue
New York, New York 10022
Michael.cook@srz.com

Attorneys for Alfa S.A.B. de C.V.

Katharine B. Gresham, Esq.
Assistant General Counsel
Securities & Exchange Commission
100 F. Street N.E., Stop 8030B
Washington, DC 20549
greshamk@sec.gov

*Attorneys for Securities & Exchange
Commission*


Michael Schatzow